

**ORDINANCE NO. 2016 - \_\_\_\_**  
**CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE FOR REZONING; A REZONING OF A TRACT CONTAINING 0.48 ACRES ZONED A-1 GENERAL AGRICULTURAL DISTRICT, REZONED TO A C-2 GENERAL AND HIGHWAY COMMERCIAL DISTRICT.**

**WHEREAS**, an application for a Rezoning was filed with the Planning and Development Department of the City of Cave Springs, Arkansas, on the 19<sup>th</sup> day of August 2016 by Pat Simpson, Trustee of the Simpson Marital Deduction Trust c/u the Simpson Family Revocable Living Trust, requesting to rezone (CSZ-16-10) a 0.48 acre (20,908 ft<sup>2</sup>) lot previously a non-conforming A-1 General Agricultural Zoning District to a conforming C-2 General and Highway Commercial Zoning District to legally operate a small engine repair services facility use, "The Engine Nut" within an existing 2,880 ft<sup>2</sup> structure, on the subject property.

**WHEREAS**, after due notice, as required by law, at a regular meeting held on the 1<sup>st</sup> day of November, 2016, at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously recommending APPROVAL to the City Council of Cave Springs of the following; Rezoning request by the owner and applicant, Pat Simpson, Trustee of the Simpson Marital Deduction Trust c/u the Simpson Family Revocable Living Trust, for real estate described to-wit:

**CSZ-16-10 | Simpson (Engine Nut):**

The owner and applicant, Pat Simpson, Trustee of the Simpson Marital Deduction Trust c/u the Simpson Family Revocable Living Trust, has requested a rezoning from non-conforming A-1 General Agricultural Zoning District to a conforming C-2 General and Highway Commercial Zoning District to legally operate a small engine repair services facility use, "The Engine Nut" within an existing 2,880 ft<sup>2</sup> structure, on the subject property.

<b>ADDRESS:</b>	223 N. Main Street, Cave Springs, AR 72718
<b>PARENT PARCEL:</b>	05-10147-000
<b>STR:</b>	Section 1, Township 18 North, Range 31 West
<b>TRACT LEGAL:</b>	Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 18 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Commencing at the NW corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and being an axle, thence along the West line of said SW $\frac{1}{4}$ of the

NE ¼ S02°48'19"W, 2033.95' to the Northerly right of way line of Arkansas State Highway 264; thence along said right of way line S80°38'00"E, 292.03' to the POINT OF BEGINNING; thence along said Northerly right of way line of Arkansas State Highway 264 S70°52'33"E, 126.46' to the West right of way line of Arkansas State Highway 112; thence Northerly along said West right of way line N21°06'30"E, 144.89' to a large drainage ditch; thence along said ditch N61°10'50"W, 75.11'; thence N81°14'26"W, 74.00', thence leaving said ditch S13°02'38"W, 144.96' to the POINT OF BEGINNING and containing .48 acres more or less. Subject to any and all easements of record or of fact.

**LOT SIZE:** 0.48 acres (20,908 ft<sup>2</sup>)

**NOW, THEREFORE,** be it enacted by the City Council of the City of Cave Springs as follows;

**Section 1.** That the above described real estate be APPROVED for a Rezoning (CSZ-16-10) of a 0.48 acre (20,908 ft<sup>2</sup>) lot previously a non-conforming A-1 General Agricultural Zoning District to a conforming C-2 General and Highway Commercial District to legally operate a small engine repair services facility use, "The Engine Nut" within an existing 2,880 ft<sup>2</sup> structure, as requested; unanimously recommended for APPROVAL by the Cave Springs Planning Commission (CSPC) on the 1<sup>st</sup> day of November; That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by majority vote, did APPROVE the above styled application and request, Done this 8th day of November, 2016:

**Section 2.** This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

**Section 3.** The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Rezoning.

**PASSED AND APPROVED** this 8<sup>th</sup> day of November, 2016:

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Travis Lee, Mayor

\_\_\_\_\_  
Kimberly Hutcheson, City Recorder | Treasurer  
(SEAL)



## **Cave Springs, Arkansas**

**Planning and Development Department**

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### **CAVE SPRINGS PLANNING COMMISSION (CSPC) November 1, 2016 - 2<sup>nd</sup> CSPC Hearing**

#### **STAFF REPORT**

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**FILE:** CSZ-16-10 | Rezoning  
**OWNER:** Pat Simpson, Trustee of the Simpson Marital Deduction Trust c/u the Simpson Family Revocable Living Trust  
**ADDRESS:** 223 N. Main Street, Cave Springs, AR 72718  
**PARCEL:** 05-10147-000  
**STR:** Section 1, Township 18 North, Range 31 West  
**LEGAL:** Part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 1, Township 18 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Commencing at the NW corner of said SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and being an axle, thence along the West line of said SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  S02°48'19"W, 2033.95' to the Northerly right of way line of Arkansas State Highway 264; thence along said right of way line S80°38'00"E, 292.03' to the POINT OF BEGINNING; thence along said Northerly right of way line of Arkansas State Highway 264 S70°52'33"E, 126.46' to the West right of way line of Arkansas State Highway 112; thence Northerly along said West right of way line N21°06'30"E, 144.89' to a large drainage ditch; thence along said ditch N61°10'50"W, 75.11'; thence N81°14'26"W, 74.00', thence leaving said ditch S13°02'38"W, 144.96' to the POINT OF BEGINNING and containing .48 acres more or less. Subject to any and all easements of record or of fact.  
**LOT SIZE:** 0.48 acres (20,908 ft<sup>2</sup>)  
**EXISTING ZONING:** Non-Conforming A-1 General Agricultural Zoning District  
**EXISTING USE:** Vacant  
**APPLICANTS:** James and Jon Simpson  
**PREPARED BY:** Craig Southern, CFM | Planning & Zoning Official

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#### **REQUEST:**

The applicants, James and Jon Simpson, the sons and agents for Pat Simpson, Trustee of the Simpson Marital Deduction Trust c/u the Simpson Family Revocable Living Trust, have requested a rezoning from a non-conforming A-1 General Agricultural District to a conforming C-2 General and Highway

Commercial District on a 0.48 acre tract of land, to legally operate a Small Engine Repair Services Facility Use, "The Engine Nut" within an existing 2,880 ft<sup>2</sup> structure.

### **APPLICABLE CITY CODE SECTIONS:**

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2016-16

Article 6. *District Regulations*

Section 6.1 *A-1 General Agricultural District*

Section 6.10 *Commercial Districts*

Section 6.10.2 *C-2 General and Highway Commercial District*

Section 9.6 *Floodplain Development*

Article 12. *Administration and Enforcement*

Section 12.5 *Amendments*

Appendix A | Minimum Dimension Requirements Nonresidential Districts

Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03

Flood Damage Prevention Code of Cave Springs, AR | Ordinance 2012-04

Sign Regulations of Cave Springs, AR | Ordinance 2013-19

### **BACKGROUND:**

The applicants, James and Jon Simpson, the sons and agents for Pat Simpson, Trustee of the Simpson Marital Deduction Trust c/u the Simpson Family Revocable Living Trust, have requested a rezoning from a non-conforming A-1 General Agricultural District to a conforming C-2 General and Highway Commercial District on a 0.48 acre tract of land, to legally operate a Small Engine Repair Services Facility Use, "The Engine Nut" within a 2,880 ft<sup>2</sup> structure. As of August 18<sup>th</sup> 2016, the tenant, Ben Melton, submitted a Business License application for The Engine Nut, a Small Engine Repair Services Facility that conducts on-site repair services. The tenant, The Engine Nut, was previously located at 133 Brown Road operating within a non-conforming capacity as well without the required zoning and a business license yet was allowed to continue to operate by the City pursuant that the property owner, the Moser Living Trust file a Lot-Split and Rezoning application. The Moser Living Trust decided to discontinue the lease with The Engine Nut and sell the property. Hence the Engine Nut relocating to the 0.48 acre tract of land located at 223 N. Main Street. In "good faith" the City has allowed the Engine Nut to operate while going through the required Rezoning and Business License process. The City will issue the submitted Business License contingent upon the Planning Commission and City Council approval of the Rezoning of the subject property to a conforming C-2 General and Highway Commercial District.

The subject property is currently non-conforming to the A-1 General Agricultural District because it does not meet any of the minimum required site development standards required, pursuant to *Section 6.1.4 Site Development Standards*; (A) *Minimum lot area: five (5) acres (217,800ft<sup>2</sup>)*; (B) *Minimum lot width: two-hundred and forty (240) linear feet*; (C) *Minimum lot depth: four-hundred (400) linear feet, etc.* Plus the proposed Small Engine Repair Services Facility Use is not permitted in an A-1 General Agricultural District. The subject property has an estimated one-hundred (100) linear feet, located on a principal arterial street, AR State Hwy 264 (Healing Springs Road) and estimated one-hundred and thirty (130) linear feet, located on a principal arterial street, AR State Hwy 112 (North Main Street). The 0.48 acre lot has an existing 2,880 ft<sup>2</sup> structure which will house The Engine Nut. The subject property requires a minimum of eleven (11) paved parking spaces, one (1) of which would be an ADA Handicap space. The entire lot is located within the 100-year floodplain with an undetermined base flood elevation – Zone A with a FEMA designated "unnamed stream" running along the north perimeter of the property which is referred to as a "drainage ditch" in the submitted Quit Claim Deed's Legal Description for the subject property.

Pursuant to the Cave Springs Rezoning Application a copy of an existing survey or plat is required within any rezoning application yet the applicants, James and Jon Simpson, indicated that they did not have an existing survey for the subject property and claimed financial hardship to purchase a new current survey for the 0.48 acre lot. The applicants made a request that the existing deed in lieu of the required survey be considered for the rezoning application, in addition the applicants also requested that the City waive all newspaper publication and notification fees associated with the Rezoning. Staff originally indicated that an existing deed and survey were both required items the Rezoning Application yet once the applicants submitted the Rezoning Application, staff would examine the legal description within the submitted deed to check its accuracy if it sufficiently indicated existing right-of-way boundaries, easements and most importantly property boundary locations. Unfortunately the submitted deed did not have a metes and bounds legal description and was extremely vague. Due to unforeseen political concerns, staff was directed to allow the Engine Nut, to operate it's small engine repair services facility, in "good faith" while the rezoning and business license applications were being processed yet a current property survey would need to be prepared by a Professional Land Surveyor or Engineer to determine where the existing Right-Of-Way boundaries, easements and property boundaries were located. The applicants continued to dispute the requirement of the survey and eventually staff indicated that a certified metes and bounds legal description could be submitted in lieu of the required survey. The applicants submitted an updated Quit Claim Deed with a metes and bounds Legal Description that was not prepared or certified by a Professional Land Surveyor or Engineer yet verified by a Title Agent with Realty Title & Closing Services, LLC.

Upon the granting of the rezoning request of the subject property into a C-2 General and Highway Commercial District, the non-conforming lot will become legal and conform to the Cave Springs Planning and Zoning Regulations.

- *A portion of Section 12.5.3.2.1 Application Submittal reads: A complete application for a change in a zoning district boundary (or map amendment), hereafter referred to as a rezoning, shall be submitted to the Planning and Zoning Official in a form established for that purpose, along with a non-refundable processing fee in the amount specified in the city code. No application shall be processed until the Planning and Zoning Official determines that the application is complete, and the required fee has been paid.*

At the May 3rd, 2016 Cave Springs Planning Commission public hearing a new Lot-Split and Rezoning Application was approved unanimously and established by the Planning Commission.

- *A portion of Section 12.5.3.2.8.6 Approval Criteria reads: Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property;*

A current survey would accurately determine and illustrate if the required and adequate right-of-ways has been dedicated to both the Arkansas State Highway 264 and Arkansas State Highway 112, in addition to establishing the north boundary of the subject property with an accurate location of the FEMA designated "unnamed stream".

## **SURROUNDING LAND USE AND ZONING:**

The subject property is currently zoned a non-conforming A-1 General Agricultural District and developed with a 2,880 ft<sup>2</sup> structure. The surrounding properties to the East and South are zoned C-1 Downtown Commercial and Office Zoning District and C-2 General and Highway Commercial District. The property to the North is a residential Non-Conforming A-1 General Agricultural District. The

property to the west is a conforming A-1 General Agricultural District agricultural tract. The character of the property and surrounding area is Commercial and Agricultural.

North:	Non-Conforming A-1 General Agricultural District
East:	C-1 Downtown Commercial and Office Zoning District <u>and</u> C-2 General and Highway Commercial District
South:	C-1 Downtown Commercial and Office Zoning District
West:	A-1 General Agricultural District

(Attached to this Staff Report, is a Zoning Map of the subject property)

**Comprehensive Plan:**

No Future Land Use Map (FLUM) coverage

**Flood Zone:**

Zone A – Flood Zone; the entire lot is located within the 100-year floodplain with an undetermined base flood elevation

**REVIEW AND ANALYSIS OF FINDINGS FOR CSZ-16-10:**

The subject property is currently a nonconforming lot with a lot area of 0.48 acres (20,908 ft<sup>2</sup>) has an estimated one-hundred (100) linear feet, located on a principal arterial street, AR State Hwy 264 (Healing Springs Road) and estimated one-hundred and thirty (130) linear feet, located on a principal arterial street, AR State Hwy 112 (North Main Street). The entire lot is located within the 100-year floodplain with an undetermined base flood elevation – Zone A with a FEMA designated “unnamed stream” running along the north perimeter of the property. The subject property requires a minimum of eleven (11) paved parking spaces, one (1) of which would be an ADA Handicap space. The subject property is currently non-conforming to the A-1 General Agricultural District because it does not meet any of the required minimum site development standards and the use of a Small Engine Repair Services Facility is a non-permitted use in the A-1 General Agricultural District. Upon the granting of the rezoning request of the subject property into a C-2 General and Highway Commercial Zoning District, the non-conforming lot will become legal and conform to the Cave Springs Planning and Zoning Regulations.

**PUBLIC COMMENTS:**

This item was tabled at the October 4th 2016 CSPC meeting because there was a concern from the applicant, Jon Simpson and his attorney Donald B. Kendall, pertaining to the rezoning of the subject property. Mark Hayes, Director of Legal Services for the Arkansas Municipal League represents the City of Cave Springs as legal counsel for this rezoning and has become the conduit of primary communication with the applicant, Jon Simpson and his attorney Donald B. Kendall.

**REZONING FINDINGS AND CONCLUSIONS OF LAW:**

**Findings of Fact:**

1. It is staff's conclusion that the application meets the required findings for approval of the Rezoning as submitted. Staff therefore recommends **Approval** of the Rezoning subject to the specific conditions as outlined in the staff recommendation.

**Conclusions of Law:**

1. The applicant is proceeding in accordance with the requirements of the Planning and Zoning Regulations of Cave Springs, AR regarding a Rezoning.

**ALTERNATIVES:**

1. Approve the Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the Rezoning as submitted by the applicant subject to staff's recommended conditions, based on findings of fact and conclusions of law **(Staff Recommendation)**
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

**STAFF RECOMMENDATION:**

**Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Rezoning request as follows:

Staff recommends approval of the request for a Rezoning (CSZ-16-10) of a 0.48 acres (20,908 ft<sup>2</sup>) acre non-conforming lot currently zoned A-1 General Agricultural District to a conforming C-2 General and Highway Commercial Zoning District located at 223 N. Main Street, Cave Springs, AR 72718

**Plus the following numerical conditions:**

1. The applicants will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.10.2 C-2 General and Highway Commercial Zoning District*.
2. Any new construction on the subject property must conform to Ordinance No. 2012-4 Floodplain Regulations of Cave Springs, AR and the Planning and Zoning Regulations.

**ATTACHMENTS:**

1. Vicinity Map (1 page)
2. Surrounding Zoning Map | June 2016 (1 page)
3. Quit Claim Deed (6 pages)



# City of Cave Springs-Zoning

Bentonville

Rogers

Cave Springs

Springdale

Lowell

## Map Features

- |   |  |
|---|--|
| <span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span> A-1 | <span style="display:inline-block; width:10px; height:10px; background-color:yellow; border:1px solid black;"></span> Federal Highway  |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> C-1  | <span style="display:inline-block; width:10px; height:10px; background-color:lightgrey; border:1px solid black;"></span> State Highway |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> C-2  | <span style="display:inline-block; width:10px; height:10px; background-color:lightgrey; border:1px solid black;"></span> Street        |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> C-3  | <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> Streams       |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> R-1  | <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> Lakes         |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> R-2  | <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> Planning Area |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> R-E  | <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> City Limits   |

Disclaimer: This map was developed from the best available sources and constitutes a graphic representation of those data sources. The planning department is not responsible for any errors or omissions. It is not intended to be used for legal purposes. The planning department is not responsible for any errors or omissions. It is not intended to be used for legal purposes. The planning department is not responsible for any errors or omissions. It is not intended to be used for legal purposes.

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Printed 06/07/2014





## **Cave Springs, Arkansas**

Planning and Development Department

### **CAVE SPRINGS PLANNING COMMISSION (CSPC)** **November 1, 2016**

#### **STAFF REPORT**

**FILE:** CSPLT-16-02 and CSZ-16-11 | Minor Subdivision Plat and Rezoning  
**OWNERS:** Denise L. McIntosh and Jeff Patterson  
**ADDRESS:** 1110 S. Main Street, Cave Springs, AR 72718  
**PARCEL:** 05-10205-001  
**STR:** Section 12, Township 18 North, Range 31 West  
**PARENT LEGAL:** part of the southwest quarter (sw1/4) of the northeast quarter (ne1/4), part of the northwest quarter (nw1/4) of the southeast quarter (se1/4) and part of the southeast quarter (se1/4) of the northwest quarter (nw1/4), all in section 12, township 18 north, range 31 west, Benton County, Arkansas, and being more particularly described as: beginning at the sw corner of the sw1/4 of the ne1/4 of said section 12; thence n87°48'03"w 196.98 feet, said point being in the roadway of s. main street (Arkansas hwy. 112); thence along said roadway n15°56'34"e 532.62 feet; thence leaving said roadway s70°51'51"e 425.26 feet; thence n25°27'34"e 353.80 feet; thence s75°41'47"e 868.89 feet; thence s02°45'15"w 340.27 feet; thence n87°14'35"w 417.57 feet; thence s02°45'56"w 208.56 feet to the south line of said sw1/4 of the ne1/4; thence along said south line n87°15'06"w 772.78 feet; thence leaving said south line s02°28'10"w 15.00 feet; thence n87°16'12"w 130.00 feet; thence n02°24'12"e 14.79 feet to the point of beginning, containing 750,257.21 square feet or 17.22 acres, more or less, and subject to all rights of way, easements and restrictive covenants of record or fact.

**LOT SIZE:** 17.22 acres (750,103 ft<sup>2</sup>)  
**ZONING:** A-1 General Agricultural Zoning District  
**EXISTING USE:** Single-Family Residence and Agricultural  
**APPLICANTS:** Denise L. McIntosh and Jeff Patterson  
**PREPARED BY:** Craig Southern, CFM | Planning & Zoning Official

#### **REQUEST:**

The applicants, Denise L. McIntosh and Jeff Patterson, request a Minor Subdivision Plat, J.P. Estates (**CSPLT-16-02**) and the approval of a Rezoning (**CSZ-16-11**) of a parent tract containing 17.22 acres (750,103 ft<sup>2</sup>) currently zoned A-1 General Agricultural located at 1110 S. Main Street, Cave Springs, AR 72718. The Minor Subdivision, J.P. Estates will consist of two (2) newly created Blocks with proposed Block 1 having one (1) lot, Lot 1 containing 3.83 acres that will be rezoned to a C-2 General and

Highway Commercial Zoning District and proposed Block 2 having two (2) lots, Lot 1 containing 6.27 acres and Lot 2 containing 6.09 acres, both will be rezoned to an R-1 Single-Family Residential Zoning District.

### **APPLICABLE CITY CODE SECTIONS:**

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2016-16

Article 6. *District Regulations*

Section 6.1 A-1 General Agricultural District

Section 6.4 R-1 Single-Family Residential District

Section 6.10 *Commercial Districts*

Section 6.10.2 C-2 General and Highway Commercial District

Article 12. *Administration and Enforcement*

Section 12.5 *Amendments*

Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03

Section 2. *Platting Procedures*

### **BACKGROUND:**

The subject property is currently developed as Agricultural with a Single-Family Residence. The existing single-family residence was constructed in 2002 and has 1,659 ft<sup>2</sup> and an attached addition of 768 ft<sup>2</sup>. The required easements for and right-of-way have been met pursuant to the Subdivision Regulations and will be dedicated and recorded within the Minor Subdivision Plat, J.P. Estates. The applicants, Denise L. McIntosh and Jeff Patterson, recently purchased the subject property and intend to potentially develop Block 1 Lot 1 and potentially sell at least one of the lots within Block 2.

Attached to this Staff Report, is copy of the proposed Minor Subdivision Plat illustrating and detailing the proposed dimensions, easements and right-of-ways of the subdivision.

### **SURROUNDING LAND USE AND ZONING:**

The subject property is currently zoned A-1 General Agricultural District. The surrounding properties are zoned as follows below. The character of the subject property and surrounding area is commercial/residential/agricultural

North:	C-2 General and Highway Commercial District <u>and</u> A-1 General Agricultural
East:	R-2 Single-Family Residential <u>and</u> Non-Conforming A-1 General Agricultural
South:	A-1 General Agricultural <u>and</u> Non-Conforming A-1 General Agricultural
West:	R-2 Single-Family Residential

(Attached to this Staff Report, is a Zoning Map (June 2016) of the subject property)

#### **Comprehensive Plan:**

No Future Land Use Map (FLUM) coverage

#### **Flood Zone:**

Proposed Block 1 | Lot 1:

Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain

Proposed Block 2 | Lot 1 and Lot 2:

Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain

**REVIEW AND ANALYSIS OF FINDINGS FOR CSPLT-16-02 and CSZ-16-11:**

The Minor Subdivision J.P. Estates (CSPLT-16-02) will be supported in the proposed rezonings of C-2 General and Highway Commercial District and R-1 Single-Family Residential for both proposed Block 1 and Block 2 because all required site development standards will be met. The required easements and right-of-way dedications have been met pursuant to Subdivision Regulations. The Minor Subdivision, J.P. Estates and Rezoning request are consistent with the surrounding land uses. CSPLT-16-02 and CSZ-16-11 are companion applications and one cannot be approved without the other.

**PUBLIC COMMENTS:**

As of the writing of this report, staff has received no comments or concerns from the notified public.

**MINOR SUBDIVISION PLAT AND REZONING FINDINGS AND CONCLUSIONS OF LAW:**

Findings of Fact:

1. It is staff's conclusion that the application meets the required findings for approval of the Minor Subdivision Plat and Rezoning as submitted. Staff therefore recommends **Approval** of the Minor Subdivision Plat and Rezoning subject to the specific recommendations as outlined in the staff recommendation.

Conclusions of Law:

1. The applicant is proceeding in accordance with the requirements of the Subdivision Regulations and the Planning and Zoning Regulations of Cave Springs, AR regarding a Lot-Split and Rezoning.

**ALTERNATIVES:**

1. Approve the Minor Subdivision Plat and Rezoning as submitted by the applicants, based on findings of fact and conclusions of law.
2. Approve the Minor Subdivision Plat and Rezoning as submitted by the applicant subject to staff's recommendations, based on findings of fact and conclusions of law (**Staff Recommendation**)
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

**STAFF RECOMMENDATION:**

**Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Minor Subdivision Plat and Rezoning request as follows:

Staff recommends approval of the request for a Minor Subdivision Plat, J.P. Estates (**CSPLT-16-02**) and the approval of a Rezoning (**CSZ-16-11**) of a parent tract containing 17.22 acres (750,103 ft<sup>2</sup>) currently zoned A-1 General Agricultural located at 1110 S. Main Street, Cave Springs, AR 72718. The Minor Subdivision, J.P. Estates will consist of two (2) newly created Blocks with proposed Block 1 having one (1) lot, Lot 1 containing 3.83 acres that will be rezoning to a C-2 General and Highway Commercial Zoning District and proposed Block 2 having two (2) lots, Lot 1 containing 6.27 acres and Lot 2 containing 6.09 acres, both will be rezoned to an R-1 Single-Family Residential Zoning District.

**Plus the following numerical recommendations:**

1. The applicants will comply with all sections of the Subdivision Regulations and Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.4 R-1 Single-Family Residential District and Section 6.10.2 C-2 General and Highway Commercial Zoning District*.
2. Any additional conditions as recommended by the Cave Springs Planning Commission (CSPC) and the Cave Springs City Council with their final approval.

**ATTACHMENTS:**

1. Vicinity Map (1 page)
2. Surrounding Zoning Map | June 2016 (1 page)
3. Minor Subdivision Plat | J.P. Estates (2 pages)

LINE TABLE		
LINE	BEARING	DISTANCE
1	S 70° 24' 12" W	34.07
2	S 70° 24' 12" W	34.07
3	S 70° 24' 12" W	34.07

PARENT TRACT  
750.29/21 SQ. FT.  
OR  
17.22 ACRES  
PN 05-0009-001

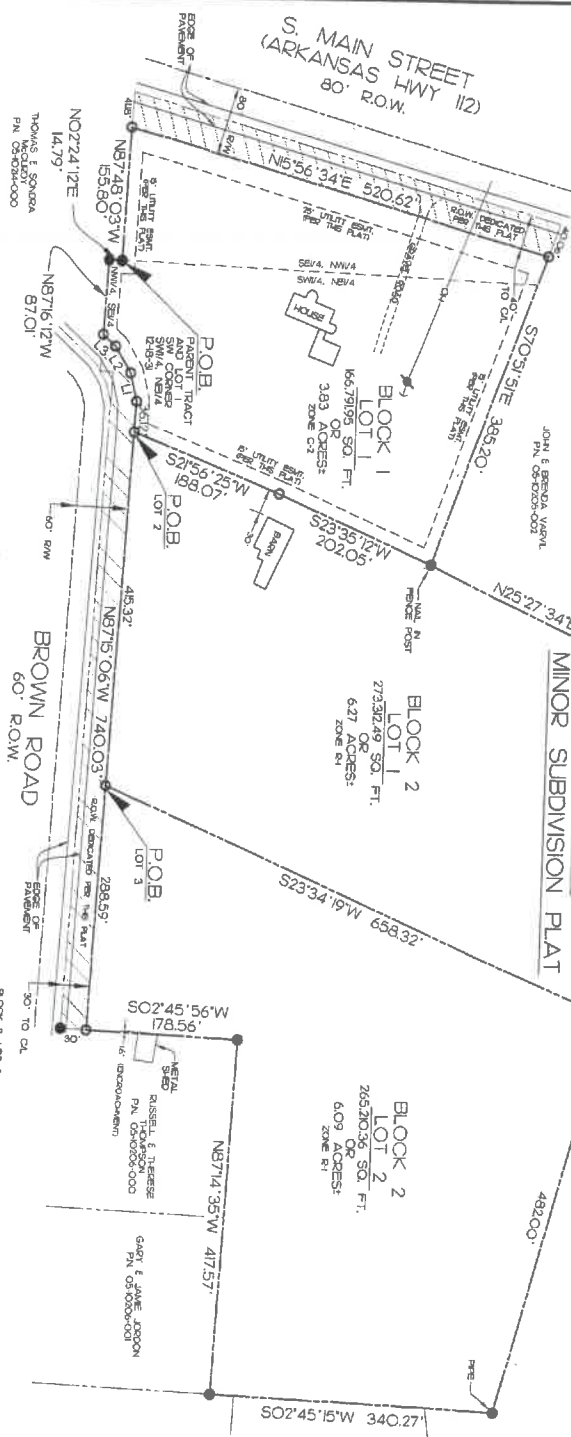
JOHN E. BERRY, SURVEYOR  
PN 05-0009-002

# JP ESTATES MINOR SUBDIVISION PLAT

PA. PARKING LOT  
PN 05-0009-001

FLOOD CERTIFICATION  
I CERTIFY THAT I HAVE EXAMINED THE FLOOD CERTIFICATE AND INSURANCE POLICY AND HAVE DETERMINED THAT THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE. I HAVE REVIEWED THE FLOOD CERTIFICATE AND INSURANCE POLICY AND HAVE DETERMINED THAT THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE. I HAVE REVIEWED THE FLOOD CERTIFICATE AND INSURANCE POLICY AND HAVE DETERMINED THAT THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE.

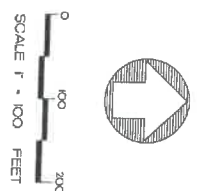
RECORDING INFORMATION



## LEGEND

- FOOD SERVICE CO. AS NOTED SET 1/2" BEYOND W/CL. IS 100'
- UTILITY POLE W/CL. IS 100'
- UTILITY POLE
- OVERHEAD LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- SECTION LINE

FINAL PLAT ENDORSEMENT OR APPROVAL	
PLANNING COMMISSION CHAIR	DATE
CITY COMMISSIONER	DATE
PUBLIC UTILITY OFFICIAL	DATE
PLANNING & ZONING OFFICIAL	DATE
DATE	DATE
OWNER'S CERTIFICATE AND DEDICATION	DATE
I HEREBY CERTIFY THAT I AM THE SOLE OWNER OF THE PERSON PERSONED GENERAL USE OF THE PLAT	DATE
SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2004	DATE
NOTARY PUBLIC	NOTARY PUBLIC



STATE SURVEY CODE: 500-91-310-04-010

CASTER & ASSOCIATES  
LAND SURVEYING, INC.  
2710 SE T Street, Suite 5  
Bentonville, AR 72712  
Telephone 479-266-4464



MINOR SUBDIVISION PLAT  
JP ESTATES

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**STREETS, EASEMENTS AND UTILITIES**


**PRIVATE LIFT SERVICE**

- | CITY OF CAVE SPRINGS APPROVAL: | DATE |
|--------------------------------|------|
| PLANNING AND ZONING            | DATE |
| PUBLIC UTILITIES               | DATE |

CAVE SPRINGS, ARKANSAS

THE SURVEYOR HAS COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAN. THIS SURVEY MEETS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, PER THE STATE OF ARIZONA.

**CASTER & ASSOCIATES**  
LAND SURVEYING, INC.  
2715 SE T Street, Suite 5  
Bentonville, AR 72712  
Telephone 479-268-4464



**ORDINANCE NO. 2016 - \_\_\_\_**  
**CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE FOR REZONING; A LOT-SPLIT, LOT-COMBINATION, REPLAT AND REZONING OF LOTS 1, 2 & 3 OF RENFROW ADDITION (1998) CONTAINING A TOTAL OF 3.22 ACRES ZONED A-1 GENERAL AGRICULTURAL DISTRICT. THE LOT-SPLIT, LOT-COMBINATION, REPLAT WILL CONSIST OF TWO (2) NEWLY CREATED LOTS WITH PROPOSED LOT 1R CONTAINING 1.52 ACRES THAT WILL BE REZONED TO AN R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT AND PROPOSED LOT 3R CONTAINING 1.50 ACRES WILL BE REZONED TO AN R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

**WHEREAS**, an application for a Lot-Split, Lot-Combination, Replat and Rezoning was filed with the Planning and Development Department of the City of Cave Springs, Arkansas, on the 13th day of October 2016 by MST Properties, LLC – Michael Thorpe, requesting a Lot-Split, Lot-Combination, Replat (**CSLS-16-07**) and the approval of a Rezoning (**CSZ-16-12**) from a non-conforming A-1 General Agriculture District to an R-2 Single Family Residential District for proposed lots, Lot 1R and Lot 3R contingent upon the Lot-Split, Lot-Combination, Replat approval of the platted lots, Lots 1, 2 & 3 of Renfrow Addition (1998) located at 360 S. Midway Avenue, Cave Springs, AR 72718. The Lot-Split, Lot-Combination, Replat will consist of two (2) newly created lots with proposed Lot 1R containing 1.52 acres that will be acres will be rezoned to an R-2 Single-Family Residential District and proposed Lot 3R containing 1.50 acres will be rezoned to an R-2 Single-Family Residential District.

**WHEREAS**, after due notice, as required by law, at a regular meeting held on the 1<sup>st</sup> day of November, 2016, at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously recommending APPROVAL to the City Council of Cave Springs of the following; Lot-Split, Lot-Combination, Replat and Rezoning request by the owner and applicant, MST Properties, LLC – Michael Thorpe, for real estate described to-wit:

**CSLS-16-07 & CSZ-16-12 | Thorpe:**

The owner and applicant, MST Properties, LLC - Michael Thorpe, has requested a Lot-Split, Lot-Combination, Replat (**CSLS-16-07**) and the approval of a Rezoning (**CSZ-16-12**) from a non-conforming A-1 General Agriculture District to an R-2 Single Family Residential District for proposed lots, Lot 1R and Lot 3R contingent upon the Lot-Split, Lot-Combination, Replat approval of the platted lots, Lots 1, 2 & 3 of Renfrow Addition (1998). The Lot-Split, Lot-Combination, Replat will consist of two (2) newly created lots with proposed Lot 1R containing 1.52 acres that will be acres will be rezoned to an R-2 Single-Family Residential District and proposed Lot 3R containing 1.50 acres will be rezoned to an R-2 Single-Family Residential District on the subject properties.



**ADDRESS:** 360 S. Midway Avenue, Cave Springs, AR 72718

**PARCELS:** 05-10623-000, 05-10624-000, 05-10625-000

**STR:** Section 7, Township 18 North, Range 30 West

**PARENT LEGAL:** LOTS 1, 2 & 3 OF RENFROW ADDITION, CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 1, PAGE 600 OF THE BENTON COUNTY RECORDS.

**PARENT TRACT SIZE:** 3.02 acres (131,551 ft<sup>2</sup>)

**LOT 1R | Rezone to R-2 Single-Family Residential Zoning District:**

LOT 1 AND PART OF LOT 2 OF RENFROW ADDITION, CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SW CORNER OF SAID LOT 1; THENCE N00°09'40"E 343.51 FEET; THENCE S67°24'10"E 154.43 FEET; THENCE S70°24'00"E 84.18 FEET; THENCE S00°00'00"W 254.22 FEET TO THE NORTH RIGHT-OF-WAY LINE OF E. MIDWAY AVENUE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE S89°33'40"W 222.84 FEET TO THE POINT OF BEGINNING, CONTAINING 66,136.99 SQUARE FEET OR 1.52 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

**LOT 3R | Rezone to R-2 Single-Family Residential Zoning District:**

LOT 3 AND PART OF LOT 2 OF RENFROW ADDITION, CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SE CORNER OF SAID LOT 3; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF E. MIDWAY AVENUE S89°33'40"W 437.16 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N00°00'00"E 254.22 FEET; THENCE S70°24'00"E 132.18 FEET; S19°36'00"W 50.00 FEET; THENCE S75°27'15"E 203.99 FEET; THENCE S78°45'30"E 144.46 FEET; THENCE S11°14'30"W 50.00 FEET; THENCE S00°00'00"W 31.00 FEET TO THE POINT OF BEGINNING, CONTAINING 65,359.86 SQUARE FEET OR 1.50 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

**NOW, THEREFORE,** be it enacted by the City Council of the City of Cave Springs as follows;

**Section 1.** That the above described real estate be APPROVED for a Lot-Split, Lot-Combination, Replat (CSLS-16-07) and a Rezoning (CSZ-16-12) from a non-conforming A-1 General Agriculture District to an R-2 Single Family Residential District for both proposed lots, Lot 1R and Lot 3R, as requested; unanimously recommended for APPROVAL by the Cave Springs Planning Commission (CSPC) on the 1<sup>st</sup> day of November; That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by majority vote, did APPROVE the above styled application and request, Done this 8th day of November, 2016:

**Section 2.** This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

**Section 3.** The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Rezoning.

**PASSED AND APPROVED** this 8<sup>th</sup> day of November, 2016:

**APPROVED:**

---

Travis Lee, Mayor

**ATTEST:**

---

Kimberly Hutcheson, City Recorder | Treasurer

(SEAL)



## **Cave Springs, Arkansas**

**Planning and Development Department**

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### **CAVE SPRINGS PLANNING COMMISSION (CSPC) November 1, 2016**

#### **STAFF REPORT**

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**FILE:** CSLS-16-07 and CSZ-16-12 | Replat and Rezoning  
**OWNER:** MST Properties LLC – Michael Thorpe  
**ADDRESS:** 360 S. Midway Avenue, Cave Springs, AR 72718  
**PARCELS:** 05-10623-000, 05-10624-000, 05-10625-000  
**STR:** Section 7, Township 18 North, Range 30 West  
**PARENT LEGAL:** Lots 1, 2 & 3 of Renfrow Addition (1998), City of Cave Springs, Benton County, Arkansas, as shown in plat book 1, page 600 of the Benton County records.  
**LOT SIZE:** 3.02 acres (131,551 ft<sup>2</sup>)  
**ZONING:** Non-Conforming A-1 General Agriculture District  
**EXISTING USES:** Lot 1 Residential, Lot 2 Vacant, Lot 3 Vacant  
**APPLICANTS:** MST Properties LLC – Michael Thorpe  
**PREPARED BY:** Craig Southern, CFM | Planning & Zoning Official

---

#### **REQUEST:**

The applicant, MST Properties LLC - Michael Thorpe, requests a Lot-Split, Lot-Combination, Replat (**CSLS-16-07**) and the approval of a Rezoning (**CSZ-16-12**) from a non-conforming A-1 General Agriculture District to an R-2 Single Family Residential District for proposed lots, Lot 1R and Lot 3R contingent upon the Lot-Split, Lot-Combination, Replat approval of the original lots, Lots 1, 2 & 3 of Renfrow Addition (1998) located at 360 S. Midway Avenue, Cave Springs, AR 72718. The Lot-Split, Lot-Combination, Replat will consist of two (2) newly created lots with proposed Lot 1R containing 1.52 acres that will be rezoned to an R-2 Single-Family Residential District and proposed Lot 3R containing 1.50 acres will be rezoned to an R-2 Single-Family Residential District.

#### **APPLICABLE CITY CODE SECTIONS:**

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2016-16  
Article 6. *District Regulations*  
Section 6.1 A-1 General Agricultural District  
Section 6.5 R-2 Single-Family Residential District  
Section 9.6 *Floodplain Development*  
Article 12. *Administration and Enforcement*  
Section 12.5 *Amendments*

**BACKGROUND:**

Lots 1, 2 & 3 of Renfrow Addition (1998) were replatted from Block 5 and Block 6 of Bartletts Addition in September of 1998. Lot 1 is currently developed with a Single-Family Residence. The existing single-family residence is a modular dwelling that has 1,560. Lot 2 and Lot 3 are currently undeveloped and vacant. The applicant, MST Properties LLC - Michael Thorpe, intends to keep ownership of proposed Lot 1R and sell proposed Lot 3R for the future construction of a new single-family residence. Lot 1R and Lot 3R are located within the 100-year floodplain with an undetermined base flood elevation – Zone A with a FEMA designated “unnamed stream” running along the north perimeter of both proposed lots.

Attached to this Staff Report, is copy of the proposed Replat Survey illustrating and detailing the proposed dimensions of the Lot-Split.

**SURROUNDING LAND USE AND ZONING:**

The subject properties are currently zoned non-conforming A-1 General Agriculture District. The surrounding properties to the East, South and West are zoned similarly non-conforming A-1 General Agricultural. The character of the subject property and surrounding area is undeveloped/Conservation area/rural residential.

North:	Non-Conforming A-1 General Agricultural
East:	Non-Conforming A-1 General Agricultural
South:	Non-Conforming A-1 General Agricultural
West:	Non-Conforming A-1 General Agricultural

(Attached to this Staff Report, is a Zoning Map (June 2016) of the subject property)

<b><u>Comprehensive Plan:</u></b>	No Future Land Use Map (FLUM) coverage
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<b><u>Flood Zone:</u></b>	<b><u>Proposed Lot 1R:</u></b> Zone A – Flood Zone; the entire lot is located within the 100-year floodplain with an undetermined base flood elevation
	<b><u>Proposed Lot 3R:</u></b> Zone A – Flood Zone; the entire lot is located within the 100-year floodplain with an undetermined base flood elevation

**REVIEW AND ANALYSIS OF FINDINGS FOR CSLS-16-07 and CSZ-16-12:**

The Lot-Split, Lot-Combination, Replat (**CSLS-16-07**) will be supported by the proposed Rezoning (**CSZ-16-12**) to R-2 Single-Family Residential for both proposed Lot 1R and Lot 3R because all required site development standards will be met. The required right-of-way dedications have been met pursuant to Subdivision Regulations. The Replat and Rezoning request are consistent with the surrounding land

uses. CSLS-16-07 and CSZ-16-12 are companion applications and one cannot be approved without the other.

### **PUBLIC COMMENTS:**

As of the writing of this report, ex-Cave Springs Planning Commissioner and resident Randy Noblett contacted staff and indicated that US Fish and Wildlife had the City of Cave Springs participate in an agreement that related to Karst Recharge Areas and Wastewater associated within a specific area that pre-dated the current Cave Springs Karst Regulations, that the proposed replatted Lot 1R and Lot 3R purportedly fall within this area and that construction for a new single-family home may be effected for Lot 3R. Staff initially contacted Randal Looney and Thomas Inebnit with the U.S. Fish & Wildlife Service about this concern via telephone message and email. Thomas Inebnit called staff back and indicated that off-hand no previous agreements were known but Mr. Inebnit stated that we would potentially contact David Kampwerth who was the previous lead Karst Biologist for the area for multiple years until 2010 and would conduct additional research to discover if anything on record could be found.

### **REPLAT AND REZONING FINDINGS AND CONCLUSIONS OF LAW:**

#### Findings of Fact:

1. It is staff's conclusion that the application meets the required findings for approval of the Replat and Rezoning as submitted. Staff therefore recommends **Approval** of the Replat and Rezoning subject to the specific recommendations as outlined in the staff recommendation.

#### Conclusions of Law:

1. The applicant is proceeding in accordance with the requirements of the Subdivision Regulations and the Planning and Zoning Regulations of Cave Springs, AR regarding a Replat and Rezoning.

### **ALTERNATIVES:**

1. Approve the Replat and Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the Replat and Rezoning as submitted by the applicant subject to staff's recommendations, based on findings of fact and conclusions of law **(Staff Recommendation)**
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

### **STAFF RECOMMENDATION:**

#### **Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Replat and Rezoning request as follows:

Staff recommends approval of the request for a Lot-Split, Lot-Combination, Replat **(CSLS-16-07)** and the approval of a Rezoning **(CSZ-16-12)** from a non-conforming A-1 General Agriculture District to an R-2 Single Family Residential District for proposed lots, Lot 1R and Lot 3R contingent upon the Lot-Split, Lot-Combination, Replat approval of the original lots, Lots 1, 2 & 3 of Renfrow Addition (1998) located at 360 S. Midway Avenue, Cave Springs, AR 72718. The Lot-Split, Lot-Combination, Replat will consist of two (2) newly created lots with proposed Lot 1R containing 1.52 acres that will be acres will be rezoned to an R-2 Single-Family Residential District and proposed Lot 3R containing 1.50 acres will be rezoned to an R-2 Single-Family Residential District.

**Plus the following numerical recommendations:**

1. The applicants will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.5 R-2 Single-Family Residential District*.
2. Any new construction on the subject property must conform to Ordinance No. 2012-4 Floodplain Regulations of Cave Springs, AR and the Planning and Zoning Regulations.
3. Any additional conditions as recommended by the Cave Springs Planning Commission (CSPC) and the Cave Springs City Council with their final approval.

**ATTACHMENTS:**

1. Vicinity Map (1 page)
2. Surrounding Zoning Map | June 2016 (1 page)
3. Renfrow Addition Survey (1998) (1 page)
4. Renfrom Addition Replat Survey (2016) (1 page)

# City of Cave Springs-Zoning

Bentonville

Rogers

Cave Springs

Springdale

Lowell

## Map Features

Zoning Codes		Federal Highway
A-1	Green	Red line
C-1	Light Green	Black line
C-2	Orange	Grey line
C-3	Red	Blue line
R-1	Yellow	Blue line
R-2	Light Blue	Blue line
R-E	Dark Blue	Blue line

Streams

Lakes

Planning Area

City Limits

Disclaimer: This map was developed from the best available sources and constitutes a graphic representation of those data sources. No guarantee of accuracy is given, and the user assumes all responsibility for any errors or omissions. In no event shall the MRA/PC or any other entity be liable for direct, indirect, incidental, consequential or special damages of any kind, including, but not limited to, lost or anticipated profits, or damages arising out of use of or reliance on the data. The MRA/PC and/or any other entity are in no way responsible for or liable for any misstatements or errors of this map. Distribution of this map is provided for information purposes only and should not be considered authoritative for engineering, legal and other site-specific uses.

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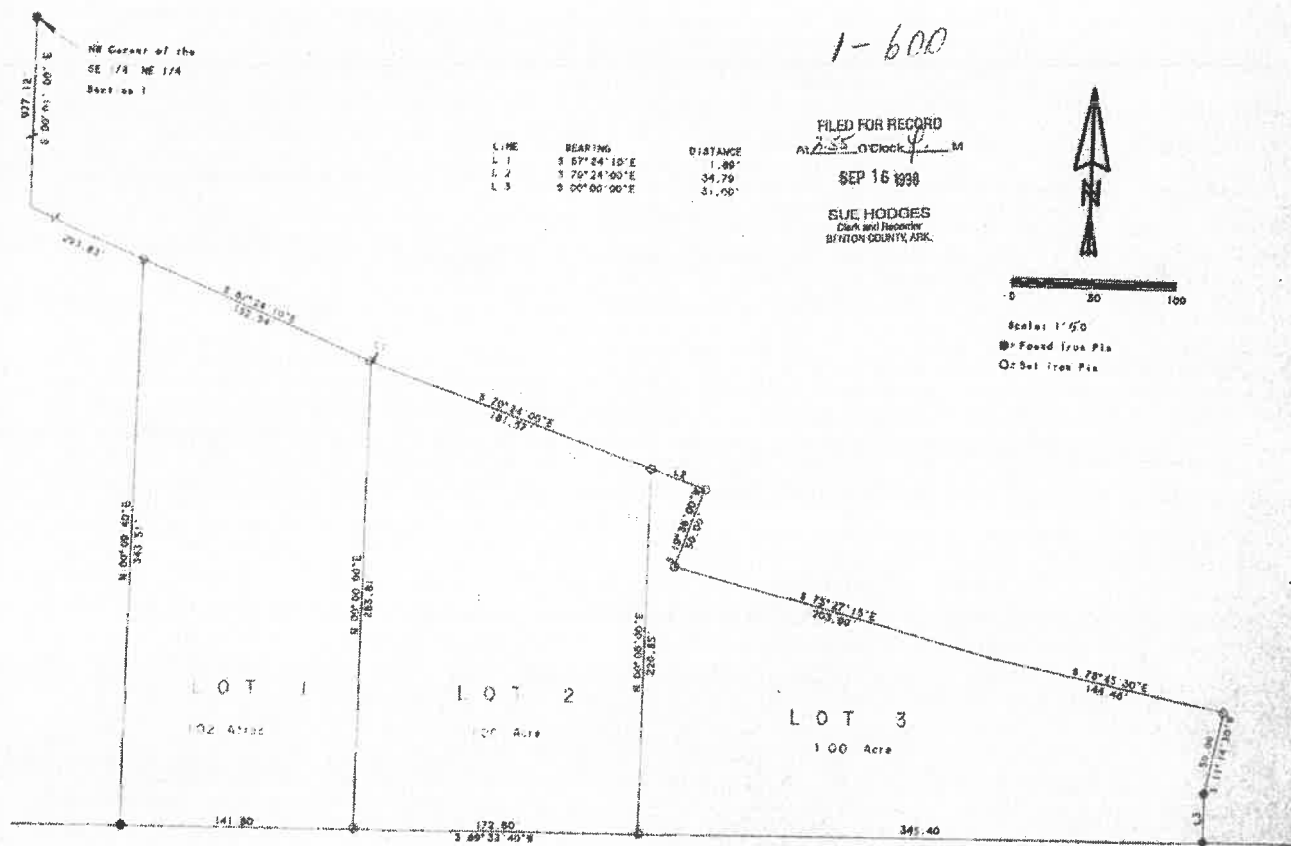
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MRA/PC  
Printed 06/2010





# MIDWAY AVENUE (75' R/W)

**LEGAL DESCRIPTION**

Part of the NE 1/4 of the NE 1/4 and part of the NE 1/4 of the SE 1/4 of Section 1 T 18 N R 31 W, and being a replat of part of Blocks 5 and 6 of Barlows Addition to Cave Springs, Arkansas and part of an abandoned railroad right of way and China Street, that has been closed, all being more particularly described as follows:

Beginning at a point: 977.12' S 00°00' 00" E and 292.83' S 67°24' 18" E of the NW corner of the SE 1/4 of the NE 1/4 of said Section 1; thence S 67°24' 18" E 134.43'; thence S 70°24' 00" E 34.79'; thence S 19°28' 00" W 30.00'; thence S 78°27' 15" E 203.89'; thence S 78°25' 30" E 144.46'; thence S 1°14' 30" W 50.00'; thence S 00°00' 00" E 31.00'; thence S 09°25' 40" W 680.00'; thence N 00°00' 00" E 343.91' to the point of beginning and containing 3.02 acres.

**SURVEYOR'S CERTIFICATION**

I hereby certify that the foregoing plat and described survey was completed and that pins were found or set as shown on September 8, 1998.

Survey for: Ray Renfrow  
 Prepared by: James Farrey  
 Dentry, Arkansas

**OWNER'S AND DEVELOPER'S CERTIFICATION**

We, the undersigned, do hereby certify that we are the sole owners of the herein described property and have caused the property to be replatted as shown.

*James Farrey*

**PLANNING COMMISSION ACCEPTANCE**

This replat is hereby accepted by the Cave Springs Planning Commission this 25<sup>th</sup> day of Sept 1998.

*Wayne L. Bae* Chairman, Planning Commission



RENFROW ADDITION  
 Cave Springs, Arkansas



**ORDINANCE NO. 2016 - \_\_\_\_**  
**CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE FOR REZONING; A LOT-SPLIT AND REZONING OF A TRACT CONTAINING 4.0 ACRES ZONED R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE LOT-SPLIT WILL CONSIST OF TWO (2) NEWLY CREATED TRACTS WITH PROPOSED TRACT 1 CONTAINING 1.99 ACRES THAT WILL BE RETAIN ITS CURRENT ZONING OF AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT AND PROPOSED TRACT 2 CONTAINING 2.01 ACRES WILL BE REZONED TO AN A-2 SUBURBAN AGRICULTURAL DISTRICT.**

**WHEREAS**, an application for a Lot-Split, Rezoning and two (2) Variances was filed with the Planning and Development Department of the City of Cave Springs, Arkansas, on the 2<sup>nd</sup> day of October 2016 by Matthew and Kelsey Mangin, requesting a Lot-Split (**CSLS-16-08**) and the approval of a Rezoning (**CSZ-16-13**) of a tract containing 4.0 acres (174,240 ft<sup>2</sup>) currently zoned R-1 Single-Family Residential located at 851 Ford Lane, Cave Springs, AR 72718. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 1.99 acres that will be retain its current zoning of an R-1 Single-Family Residential District and proposed Tract 2 containing 2.01 acres will be rezoned to an A-2 Suburban Agricultural Zoning District. In conjunction with Lot-Split and Rezoning requests, the applicants have also requested an additional approval of two (2) variances (**CSBZA-16-09**) from the Board of Zoning Adjustment (BZA) for Lot Width for both proposed tracts. Proposed Tract 1 from the required one-hundred and twenty (120) linear feet to a requested thirty (30) linear feet along Ford Lane and for proposed Tract 2 from the required two-hundred (200) linear feet to a requested one-hundred and one (101) linear feet along Ford Lane.

**WHEREAS**, after due notice, as required by law, at a regular meeting held on the 1<sup>st</sup> day of November, 2016, at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Lot-Split and Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously recommending APPROVAL to the City Council of Cave Springs of the following; Lot-Split and Rezoning request by the owners and applicants, Matthew and Kelsey Mangin, for real estate described to-wit:

**CSLS-16-08, CSZ-16-13 & CSBZA-16-09 | Mangin:**

The owners and applicants, Matthew and Kelsey Mangin, request a Lot-Split (**CSLS-16-08**) and the approval of a Rezoning (**CSZ-16-13**) of a tract containing 4.0 acres (174,240 ft<sup>2</sup>) currently zoned R-1 Single-Family Residential located. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 1.99 acres that will be retain its current zoning of an R-1 Single-Family Residential District and proposed Tract 2 containing 2.01 acres will be rezoned to an A-2 Suburban Agricultural Zoning District.

**ADDRESS:** 851 Ford Lane, Cave Springs, AR 72718

**PARCEL:** 05-10036-059

**STR:** Section 7, Township 18 North, Range 30 West

**PARENT LEGAL:** A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, AND RUNNING S02°21'00"W 394.18', N82°04'51"W 30.14' AND S02°44'49"W 182.97' TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A FOUND 5/8" CAPPED REBAR PLS #1181 LOCATED ON THE WEST RIGHT OF WAY OF FORD LANE (COUNTY ROAD NO. 51), AND RUNNING ALONG SAID RIGHT OF WAY S02°47'43"W 131.63' TO A FOUND 5/8" CAPPED REBAR PLS #1181, THENCE LEAVING SAID RIGHT OF WAY AND RUNNING N88°42'44"W 597.56' TO A FOUND 1 1/2" PIPE, THENCE N00°10'35"E 469.45' TO A FOUND 5/8" REBAR, THENCE S68°07'59"E 344.97' TO A FOUND 1/2" REBAR, THENCE S83°03'58"E 19.21' TO A FOUND 5/8" CAPPED REBAR PLS #1181, THENCE S05°26'43"E 216.71' TO A FOUND 5/8" CAPPED REBAR PLS #1181, THENCE S88°51'08"E 242.65' TO THE POINT OF BEGINNING, CONTAINING IN ALL 4.00 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

**PARENT TRACT SIZE:** 4.0 acres (174,240 ft<sup>2</sup>)

**TRACT 1 | Retain current zoning of R-1 Single-Family Residential Zoning District:**

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, AND RUNNING S02°21'00"W 394.18', N82°04'51"W 30.14', AND S02°44'49"W 182.97' TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A FOUND 5/8" CAPPED REBAR PLS #1181 LOCATED ON THE WEST RIGHT OF WAY OF FORD LANE (COUNTY ROAD NO. 51) AND RUNNING ALONG SAID RIGHT OF WAY S02°47'43"W 30.01' TO A SET

IRON PIN, THENCE LEAVING SAID RIGHT OF WAY AND RUNNING N88°51'08"W 300.85' TO A SET IRON PIN, THENCE N05°26'43"W 85.46' TO A SET IRON PIN, THENCE N86°27'22"W 293.42' TO A SET IRON PIN, THENCE N00°10'35"E 272.13' TO A FOUND 5/8" REBAR, THENCE S68°07'59"E 344.97' TO A FOUND 1/2" REBAR, THENCE S83°03'58"E 19.21' TO A FOUND 5/8" CAPPED REBAR PLS #1181, THENCE S05°26'43"E 216.71' TO A FOUND 5/8" CAPPED REBAR PLS #1181, THENCE S88°51'08"E 242.65' TO THE POINT OF BEGINNING, CONTAINING IN ALL 1.99 ACRES, MORE OR LESS. SUBJECT TO EASEMENT AND RIGHTS OF WAY RECORD.

**TRACT 2| Rezone to A-2 Suburban Agricultural Zoning District:**

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, AND RUNNING S02°21'00"W 394.18', N82°04'51"W 30.14', S02°44'49"W 182.97', AND S02°47'43"W 30.01' TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN LOCATED ON THE WEST RIGHT OF WAY LINE OF FORD LANE (COUNTY ROAD NO. 51), AND RUNNING ALONG SAID RIGHT OF WAY S02°47'43"W 101.62' TO A FOUND 5/8" CAPPED REBAR PLS #1181, THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE N88°42'44"W 597.56' TO A FOUND 1 1/2" PIPE, THENCE N00°10'35"E 197.31' TO A SET IRON PIN, THENCE S86°27'22"E 293.42' TO A SET IRON PIN, THENCE S05°26'43"E 85.46' TO A SET IRON PIN, THENCE S88°51'08"E 300.85' TO THE POINT OF BEGINNING, CONTAINING IN ALL 2.01 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

**Thirty (30) foot | Mutual Access & Utility Easement**

A 30' ACCESS AND UTILITY EASEMENT BEING A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, WITH SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT AND RUNNING THENCE S02°21'00"W 394.18', N82°04'51"W 30.14', AND S02°44'49"W 197.97' TO THE

TRUE POINT OF BEGINNING AND RUNNING THENCE  
N88°51'08"W 287.92', THENCE N05°26'43"W 69.72' TO THE  
POINT OF TERMINATION.

**NOW, THEREFORE,** be it enacted by the City Council of the City of Cave Springs as follows;

**Section 1.** That the above described real estate be APPROVED for a Lot-Split (CSLS-16-08) and a Rezoning (CSZ-16-13) of a tract containing 4.0 (174,240 ft<sup>2</sup>) acres zoned R-1 Single-Family Residential District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 1.99 acres that will be retain its current zoning of an R-1 Single-Family Residential District and proposed Tract 2 containing 2.01 acres will be rezoned to an A-2 Suburban Agriculture Zoning District, located at 851 Ford Lane, Cave Springs, AR 72718, as requested; unanimously recommended for APPROVAL by the Cave Springs Planning Commission (CSPC) on the 1<sup>st</sup> day of November; That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by majority vote, did APPROVE the above styled application and request, Done this 8th day of November, 2016:

**Section 2.** This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

**Section 3.** The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Rezoning.

**PASSED AND APPROVED** this 8<sup>th</sup> day of November, 2016:

**APPROVED:**

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Travis Lee, Mayor

**ATTEST:**

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Kimberly Hutcheson, City Recorder | Treasurer  
(SEAL)



## **Cave Springs, Arkansas**

**Planning and Development Department**

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### **CAVE SPRINGS PLANNING COMMISSION (CSPC) November 1, 2016**

#### **STAFF REPORT**

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**FILE:** CSLS-16-08 and CSZ-16-13 | Lot-Split and Rezoning  
**OWNERS:** Matthew and Kelsey Mangin  
**ADDRESS:** 851 Ford Lane, Cave Springs, AR 72718  
**PARCEL:** 05-10036-059  
**STR:** Section 7, Township 18 North, Range 30 West  
**PARENT LEGAL:** A part of the southeast quarter of the northeast quarter of Section 7, Township 18 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: commencing at the northeast corner of the said 40 acre tract, and running s02°21'00"w 394.18', n82°04'51"w 30.14' and s02°44'49"w 182.97' to the true point of beginning, said point being a found 5/8" capped rebar pls #1181 located on the west right of way of ford lane (county road no. 51), and running along said right of way s02°47'43"w 131.63' to a found 5/8" capped rebar pls #1181, thence leaving said right of way and running n88°42'44"w 597.56' to a found 1 1/2" pipe, thence n00°10'35"e 469.45' to a found 5/8" rebar, thence s68°07'59"e 344.97' to a found 1/2" rebar, thence s83°03'58"e 19.21' to a found 5/8" capped rebar pls #1181, thence s05°26'43"e 216.71' to a found 5/8" capped rebar pls #1181, thence s88°51'08"e 242.65' to the point of beginning, containing in all 4.00 acres, more or less. subject to easements and rights of way record.

**LOT SIZE:** 4.0 acres (174,240 ft<sup>2</sup>)  
**ZONING:** R-1 Single-Family Residential  
**EXISTING USE:** Vacant  
**APPLICANTS:** Matthew and Kelsey Mangin  
**PREPARED BY:** Craig Southern, CFM | Planning & Zoning Official

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#### **REQUEST:**

The applicants, Matthew and Kelsey Mangin, request a Lot-Split (**CSLS-16-08**) and the approval of a Rezoning (**CSZ-16-13**) of a tract containing 4.0 acres (174,240 ft<sup>2</sup>) currently zoned R-1 Single-Family Residential located at 851 Ford Lane, Cave Springs, AR 72718. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 1.99 acres that will be retain its current zoning



of an R-1 Single-Family Residential District and proposed Tract 2 containing 2.01 acres will be rezoned to an A-2 Suburban Agriculture Zoning District. In conjunction with the Planning Commission requests, the applicants have also requested an additional approval of two (2) variances (**CSBZA-16-09**) from the Board of Zoning Adjustment (BZA) for Lot Width for both proposed tracts. Proposed Tract 1 from the required one-hundred and twenty (120) linear feet to a requested thirty (30) linear feet along Ford Lane and for proposed Tract 2 from the required two-hundred (200) linear feet to a requested one-hundred and one (101) linear feet along Ford Lane.

### **APPLICABLE CITY CODE SECTIONS:**

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2016-16

Article 6. *District Regulations*

Section 6.2 A-2 Suburban Agricultural District

Section 6.4 R-1 Single-Family Residential District

Article 11. *Board of Zoning Adjustment*

Section 11.3.2 *Variances*

Article 12. *Administration and Enforcement*

Section 12.5 *Amendments*

Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03

Section 2. *Platting Procedures*

### **BACKGROUND:**

The applicants, Matthew and Kelsey Mangin, request a Lot-Split (**CSLS-16-08**) and the approval of a Rezoning (**CSZ-16-13**) of a tract containing 4.0 acres (174,240 ft<sup>2</sup>) currently zoned R-1 Single-Family Residential. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 1.99 acres that will retain its current zoning of an R-1 Single-Family Residential District and proposed Tract 2 containing 2.01 acres will be rezoned to an A-2 Suburban Agriculture Zoning District. The subject property is currently vacant and undeveloped. A thirty (30) foot mutual access easement is proposed within Tract 1 as a common shared ingress/egress access, for both tracts that are owned by the applicants, Matthew and Kelsey Mangin. The mutual access will share common access between both tracts to allow for convenient flow of access while only creating one (1) access way to Ford Lane. The mutual access easement will be dedicated and recorded within the Lot-Split Survey. In conjunction with the Planning Commission requests, the applicants have also requested an additional approval of two (2) variances (**CSBZA-16-09**) from the Board of Zoning Adjustment (BZA) for Lot Width for both proposed tracts. Proposed Tract 1 from the required one-hundred and twenty (120) linear feet to a requested thirty (30) linear feet along Ford Lane and for proposed Tract 2 from the required two-hundred (200) linear feet to a requested one-hundred and one (101) linear feet along Ford Lane. The applicants, Matthew and Kelsey Mangin, recently purchased the subject property and intend to construct a new single-family residence on proposed Tract 2.

Attached to this Staff Report, is copy of the proposed Survey illustrating and detailing the proposed dimensions of the Lot-Split.

### **SURROUNDING LAND USE AND ZONING:**

The subject property is currently zoned R-1 Single-Family Residential District. The surrounding properties to the East, South and West are zoned A-1 General Agricultural and the properties to the North are zoned to R-1 Single-Family Residential District and a non-conforming A-1 General Agricultural. The character of the subject property and surrounding area is agricultural/rural residential.

North: R-1 Single-Family Residential and Non-Conforming A-1 General Agricultural  
East: A-1 General Agricultural  
South: A-1 General Agricultural  
West: A-1 General Agricultural

(Attached to this Staff Report, is a Zoning Map (June 2016) of the subject property)

**Comprehensive Plan:** No Future Land Use Map (FLUM) coverage

**Flood Zone:** Proposed Tract 1:  
Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain  
Proposed Tract 2:  
Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain

### **REVIEW AND ANALYSIS OF FINDINGS FOR CSLS-16-08 and CSZ-16-13:**

The Lot-Split (CSLS-16-08) would be supported in the existing zoning of R-1 Single-Family Residential for both proposed Tract 1 and Tract 2 because of the minimum Lot Area requirement of one (1) acre yet the applicants have indicated that they have requested the rezoning of A-2 Suburban Agriculture Zoning District for Tract 2 because of the permitted agricultural uses that the property could benefit from. Pursuant to the approval of two (2) variances (CSBZA-16-09) from the Board of Zoning Adjustment (BZA) for Lot Width for both proposed tracts both tracts will conform to the Planning and Zoning Regulations. Proposed Tract 1 from the required one-hundred and twenty (120) linear feet to a requested thirty (30) linear feet along Ford Lane and for proposed Tract 2 from the required two-hundred (200) linear feet to a requested one-hundred and one (101) linear feet along Ford Lane. This Lot-split and Rezoning request are consistent with the surrounding land uses. CSLS-16-08, CSZ-16-13 and CSBZA-16-09 are all companion applications and one cannot be approved without the other.

### **PUBLIC COMMENTS:**

As of the writing of this report, staff has received no comments or concerns from the notified public.

### **LOT-SPLIT AND REZONING FINDINGS AND CONCLUSIONS OF LAW:**

#### **Findings of Fact:**

1. It is staff's conclusion that the application meets the required findings for approval of the Lot-Split and Rezoning as submitted. Staff therefore recommends **Approval** of the Lot-Split and Rezoning subject to the specific recommendations as outlined in the staff recommendation.

#### **Conclusions of Law:**

1. The applicant is proceeding in accordance with the requirements of the Subdivision Regulations and the Planning and Zoning Regulations of Cave Springs, AR regarding a Lot-Split and Rezoning.

### **ALTERNATIVES:**

1. Approve the Lot-Split and Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the rezoning as submitted by the applicant subject to staff's recommendations, based on findings of fact and conclusions of law (**Staff Recommendation**)
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

**STAFF RECOMMENDATION:**

**Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Lot-Split and Rezoning request as follows:

Staff recommends approval of the request for a Lot-Split (**CSLS-16-08**) and the approval of a Rezoning (**CSZ-16-13**) of a tract containing 4.0 acres (174,240 ft<sup>2</sup>) currently zoned R-1 Single-Family Residential District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 1.99 acres that will retain its current zoning of R-1 Single-Family Residential and proposed Tract 2 containing 2.01 acres will be rezoned to an A-2 Suburban Agriculture Zoning District.

**Plus the following numerical recommendations:**

1. The applicants will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.2 A-2 Suburban Agricultural District and Section 6.4 R-1 Single-Family Residential District*, other than any specific variances granted by the Cave Springs Board of Zoning Adjustment (BZA).
2. Any additional conditions as recommended by the Cave Springs Planning Commission (CSPC) and the Cave Springs City Council with their final approval.

**ATTACHMENTS:**

1. Vicinity Map (1 page)
2. Surrounding Zoning Map | June 2016 (1 page)
3. Survey (1 page)



# City of Cave Springs-Zoning

Bentonville

Rogers

Cave Springs

Springdale

Lowell

## Map Features

- |   |  |
|---|--|
| <span style="color: green;">■</span> A-1  | <span style="color: red;">—</span> Federal Highway     |
| <span style="color: green;">■</span> C-1  | <span style="color: black;">—</span> State Highway     |
| <span style="color: green;">■</span> C-2  | <span style="color: black;">—</span> Street            |
| <span style="color: red;">■</span> C-3    | <span style="color: blue;">—</span> Streams            |
| <span style="color: yellow;">■</span> R-1 | <span style="color: lightblue;">■</span> Lakes         |
| <span style="color: yellow;">■</span> R-2 | <span style="color: lightblue;">■</span> Planning Area |
| <span style="color: yellow;">■</span> R-E | <span style="color: black;">□</span> City Limits       |

Disclaimer: This map was developed from the best available sources and constitutes a graphic representation of the information. No guarantee of accuracy is granted. Use is at the user's discretion. The user assumes all responsibility for any errors or omissions. The user assumes all responsibility for any damages or losses of any kind, including but not limited to, loss of property or income, arising out of or from the use of this map. The user assumes all responsibility for any damages or losses of any kind, including but not limited to, loss of property or income, arising out of or from the use of this map. The user assumes all responsibility for any damages or losses of any kind, including but not limited to, loss of property or income, arising out of or from the use of this map.

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1

2 Miles

HWSPC  
Printed 06/10/2019